

1                               (Whereupon, the following  
2                               proceedings were had out of  
3                               in camera.)

4     BY MR. HARVEY:

5               Q     Dr. Zolnierrek, are there other changes to  
6     your testimony of any substantive nature?

7               A     I would characterize the other changes as  
8     typos.

9               THE REPORTER:   Can you repeat that, please.

10              THE WITNESS:   I would characterize the other  
11     changes as typos.

12              MR. HARVEY:    Sure.   Once we're out of the room.  
13     We're going to file a perfect version, but we can run  
14     through the typos, if that's okay with People.   If  
15     they -- if you prefer not to, we can -- it's up to  
16     you guys.

17              MS. SATTER:    I would just assume go through the  
18     typos.   That way we don't have to do the corrections.

19              MR. HARVEY:    Okay.   Fair enough.

20     BY MR. HARVEY:

21              Q     Okay.   We'll go through the typos at this  
22     point.

1                   Could you identify any typographical  
2 errors in your testimony?

3           A     On Page 17.

4           JUDGE HILLIARD:   Direct?

5           THE WITNESS:   Of my direct, that's correct.

6 All of these will be from my direct.

7                   On Line 447 going into 448, I have a  
8 sentence -- actually it begins with 446 that says,  
9 IBT's enhanced flat rate package provides a customer  
10 all of the services within the flat rate package plus  
11 unlimited toll. And that should read, at the very  
12 end, And an additional access line.

13 BY MR. HARVEY:

14           Q     And that was pointed out by Illinois Bell,  
15 was it not?

16           A     No. That was pointed out by the Attorney  
17 General.

18           Q     Oh, by the Attorney General.

19           A     Actually, my testimony had referred --  
20 that's one of the statutory packages; and I had noted  
21 earlier that stat- -- that particular statutory  
22 package included two lines; but in the summary of the

1 package later, I -- I did not -- I failed to note  
2 that again.

3 Q And the next correction would be?

4 A On Page 51, there is a sentence that begins  
5 on Line 1138: According to IBT's response, Staff's  
6 data request JZ 2.01, there were --

7 Q There are a confidential number of  
8 carriers?

9 A That confidential number should be reduced  
10 by one.

11 Q Well done, I'd have to say.

12 The next correction would be?

13 A On Page 72 -- actually, correct that. On  
14 the original version, it was on Page 71. There is  
15 another confidential section that started in the  
16 middle of -- at the very top of that page, there is  
17 the Conclusion of Confidential Section; and the very  
18 last sentence contains a number of reporting  
19 carriers. It indicates a certified number of  
20 reporting carriers, and that number should be  
21 increased by one.

22 I don't know if I --

1           MR. ANDERSON: Now, I'm lost. Which number of  
2 reporting --

3           THE WITNESS: Their -- the sentence ends with  
4 the very last sentence before Confidential. And were  
5 served by -- and I'll omit the number -- reporting  
6 carriers. That number should be increased by one.

7           MR. ANDERSON: So it's the last number of  
8 reporting carrier- --

9           THE WITNESS: Exactly.

10          MR. ANDERSON: -- carriers in that sentence?

11          THE WITNESS: That's correct.

12          MR. HARVEY: The very last number in the  
13 sentence should be increased by one.

14          THE WITNESS: And there is one more on Page --  
15 let me double-check. I believe it's 84.

16                   And this is another correction that  
17 was identified by the Attorney General. Actually,  
18 Page 83 in the original version, the sentence reads,  
19 According to IBT's updated response to Data Quest  
20 (phonetic) 2.20 demanding for the flat rate, US LEC 3  
21 and US LEC 6 packages. That's the way this sentence  
22 begins. Instead of flat rate, US LEC 3 and US LEC 6,

1       that should say, Enhanced flat rate.

2               THE REPORTER:   Can you repeat --

3       BY MR. HARVEY:

4               Q       What -- what words were replaced?

5               A       The words "flat rate," comma, "US LEC 3"  
6       and "US LEC 6" should be replaced by the word  
7       "enhanced flat rate."

8               JUDGE HILLIARD:   The word "packages" should be  
9       "package."

10              THE WITNESS:   It's not grammatically lovely,  
11       but it works.

12       BY MR. HARVEY:

13              Q       And does that conclude the -- the  
14       typographical error corrections to your testimony,  
15       Dr. Zolnierrek?

16              A       Yes, it does.

17              MR. HARVEY:   With -- with that, I would, at  
18       long last, tender the witness for cross-examination  
19       having first requested that -- to move the Staff  
20       Exhibits 2.0 and 5.0 and 7.0 into evidence.

21              JUDGE HILLIARD:   With attachments?

22              MR. HARVEY:   With attachments, yes, which are

1 JZ Attachment 1.0.

2 JUDGE HILLIARD: Objections?

3 MS. SUNDERLAND: No.

4 MS. SATTER: No.

5 JUDGE HILLIARD: Exhibits -- Staff Exhibits  
6 2.0, 5.0 and 7.0 and any attachments thereto are  
7 admitted into evidence.

8 (Whereupon, Staff Exhibit  
9 Nos. 2.0, 5.0, 7.0 and JZ  
10 Attachment 1.0 were admitted  
11 into evidence.)

12 MS. SATTER: I'm -- I'm apparently going first,  
13 upon request.

14 CROSS-EXAMINATION

15 BY

16 MS. SATTER:

17 Q Good morning. I have a couple of questions  
18 for you.

19 Starting with your direct testimony,  
20 you talk about the 2001 Amendments to the  
21 Telecommunications Law of Illinois; and you discuss  
22 legislative findings and policies; correct?

1           A     That is correct.

2           Q     And, specifically, you talked about changes  
3     to the findings of the general assembly; correct?

4           A     Findings and policy and a couple of other  
5     sections.

6           Q     You did not include Section 13801 in your  
7     discussion, did you?

8           A     No, I did not.

9           Q     Okay. And 13801 was modified in 2001?

10          A     Yes, that's my understanding.

11          Q     Now, turning to Page 33 of your direct  
12     testimony, you talk about the UNE-P and just -- and,  
13     first, the UNE-P is a combination of Unbundled  
14     Network Elements; is that correct?

15          A     That is correct.

16          Q     And it usually includes the loop, the port  
17     and some miscellaneous other services; is that  
18     correct?

19          A     Loop, port, general transport and some  
20     other things like cross-connects and so on; and  
21     they -- there's a number of different configurations.  
22     So UNE-P is not one thing. There are a number of

1 different versions of UNE-P.

2 Q Okay. Would you agree that currently the  
3 Commerce Commission has a -- has tariffed rates that  
4 are used to provide the UNE-P service?

5 A The Commission does -- or AT&T does have a  
6 tariff on file with UNE-P rates. Most carriers rely  
7 on their interconnection agreement to purchase this,  
8 and many of those contain separate rate schedules for  
9 the services. They -- they may be identical, they  
10 may not; but --

11 Q Is it your understanding that the -- the  
12 rates were increased by a dollar as a result of an  
13 FCC decision often referred to as the Triangular  
14 Review Remand Order?

15 A Can you clarify which rates you are  
16 referring to.

17 Q The -- the rates that make up the -- the  
18 port rate. The port rate.

19 MR. HARVEY: I think, if I might Counsel, we --  
20 there are -- the federally mandated rates and the  
21 Section 13801 rates, if you could clarify which of  
22 those rates you are referring to probably would be

1 helpful at this point.

2 BY MS. SATTER:

3 Q Well, let me ask this: As of September  
4 2005, do you know whether carriers who reported  
5 UNE-P's lines were taking service under 13801 or  
6 under some other federal rate? Is that what you  
7 mean, Mr. Harvey? I mean --

8 A There's --

9 MR. HARVEY: I guess what I'm -- I'll tell you  
10 what. If you can answer it, go ahead.

11 THE WITNESS: There are a number of potential  
12 ways a carrier -- or, I guess, jurisdictions a  
13 carrier might attempt to get wholesale services from  
14 SBC. Previously, they could have attempted to get  
15 them pursuant to Section 251 of a 1996 act; and the  
16 FCC's implementation of that, there are also  
17 provisions in 13801 of the Telecommunications or the  
18 Public Utilities Act in Illinois that a carrier might  
19 pursue. Taking those, Section 271 of the Federal Act  
20 also contains provisions relevant to certain offers.

21 So that's -- that was a source of my  
22 confusion is when you refer to rates, it wasn't clear

1 to me which set of rates you were referring to.

2 BY MS. SATTER:

3 Q Is there a difference in price between  
4 those sets of rates?

5 A Well, the -- particularly with respect to  
6 the Federal Act, you know, the structure there is  
7 that carriers can engage in negotiations and actually  
8 determine rates through negotiation for -- for these  
9 services. So they don't necessarily need to be  
10 prescribed through -- by the Commission unless the  
11 carriers disagree on those rates or if there is some  
12 public interest concern with the rates.

13 So rates can vary across and do, in my  
14 experience, from reviewing interconnection  
15 agreements, do vary with cross-carriers.

16 Q Okay. So is it your understanding that the  
17 UNE-P rate, particularly the port rate, I understand,  
18 was increased by a dollar recently as a result of an  
19 arbitration or a Commission order?

20 A I would say that was actually pursuant to  
21 the TRRO. The FCC permitted the carriers -- or  
22 permitted exchange carriers to raise that rate for

1 the combined UNE-P offering by a dollar.

2 Q Do you know when that took effect, when the  
3 one dollar began to be paid by the carriers?

4 A Each and every carrier, I do not know that  
5 information; and it may have been determined by their  
6 negotiations with IBT and/or the arbitration order  
7 with the Commission in some cases or whether they  
8 were pursuant to a tariff.

9 Q Are you familiar with ICC Docket 05-0442?

10 A Yes, I was a witness in that Docket.

11 Q You were a witness in that Docket.

12 Okay. And for the carrier subject to  
13 that Docket, do you know when the one-dollar increase  
14 became effective?

15 A Off the top of my head? No, I could review  
16 the rider that I think prescribed that.

17 MS. SATTER: Okay. Mr. Harvey and Mr. -- your  
18 Honor, if I could approach the witness with AG  
19 Exhibit 3?

20 JUDGE HILLIARD: AG Cross Exhibit 3?

21 MS. SATTER: Excuse me. AG Cross Exhibit 3.

22

1 BY MS. SATTER:

2 Q If it would help, I could direct your  
3 attention. I believe it's the second or third to the  
4 last page, there's a rider. It's 13801 rider.

5 A I'm there.

6 Q And do you know -- does that refresh your  
7 recollection as to when that change might have taken  
8 place? That change being the one dollar --

9 A Can you --

10 Q -- increase on the --

11 A Can you point me to the -- it's highlighted  
12 that there's an increase of a dollar. It doesn't say  
13 when -- when it becomes effective.

14 Q And you have no recollection from your  
15 participation in the case?

16 A No, I don't know. Off the top of my head,  
17 I do not know.

18 Q Do you know when the order was issued?

19 A The date?

20 Q No, not the date. Generally?

21 A I can't recall.

22 Q But that rate would not -- I could take

1       that back.

2                       That date would not -- the date of the  
3       increase would not have been before the final order  
4       in the case; is that correct?

5           A       That's not necessarily correct, but I don't  
6       recall.

7           Q       So you --

8           A       I mean, because --

9           Q       So you don't know whether the one-dollar  
10      increase took place before December 31st, 2005, do  
11      you?

12          A       With respect to...

13          Q       To the carriers subject to that order.

14          A       No.

15          Q       Do you know whether that one-dollar  
16      increase took effect before September 30th, 2005?

17          A       Not off the top of my head. I do not know.

18          Q       Okay. So you don't know if there was a  
19      change in rate between September 30th, 2005, and  
20      December 31st, 2005, do you?

21          A       Not -- I don't know when the -- when the  
22      rate became effective.

1           Q     Do you know if that change became effective  
2     after December 31st, 2005?

3           A     I don't know when it became effective, off  
4     the top of my head.

5           Q     So you don't know if there has been any  
6     change since -- change in the costs that these  
7     particular companies paid since September 30th, 2005?

8           MR. HARVEY:   If I might interject, are we,  
9     again, referring specifically to this one-dollar rate  
10    as -- as the change in cost that -- that the  
11    question --

12          MS. SATTER:   Yes.

13          MR. HARVEY:   -- begs?

14          MS. SATTER:   Yes.

15          MR. HARVEY:   I kind of think he's answered  
16    that.

17          JUDGE HILLIARD:  It's my understanding that he  
18    doesn't know.   Is that you don't know.

19    BY MS. SATTER:

20          Q     Is that you don't know?

21          A     I think I said that.

22          Q     I'm sorry?

1           A     I think I said that.

2           THE REPORTER:   Can you slow down a little,  
3     please.

4           THE WITNESS:    Sure.

5           THE REPORTER:   Thank you.

6     BY MS. SATTER:

7           Q     Now, this UNE-P that you described on  
8     Page 33, you would agree with me that there is  
9     current -- that it is currently the subject of a  
10    lawsuit in federal court?

11          A     That's my understanding, yes.

12          Q     But you don't have an opinion as to what  
13    the result might be, do you?

14          A     I guess I -- I don't know what the Court  
15    will decide, but I assume the Commission got it  
16    right.

17          Q     Do you believe that the pendency of that  
18    case creates some certainty for CLEC carriers?

19          A     You mean more than zero uncertainty?  Of  
20    course there's some uncertainty.

21          Q     Is there more uncertainty than there would  
22    be if the lawsuit were not in progress?

1           A     Yes.

2           Q     And is the uncertainty that when the judge  
3     makes the decision they might not continue to have  
4     access to this particular platform?

5           A     There's some uncertainty that they may not  
6     have access in the manner that they now get.

7           Q     Okay.  Thank you.

8                     You didn't -- you did not consider the  
9     effect of that lawsuit upon the future liability of a  
10    competitive service for residential consumers in  
11    MSA-1 did you?

12          A     What do you mean by "consider"?  I mean,  
13    aware of it?  I was aware of it at the time of  
14    testimony.

15          Q     But in your testimony, the only thing you  
16    looked at was the network of carriers offering  
17    service at that point in time; isn't that correct?

18          A     Yes, but I -- but I was aware in forming my  
19    recommendations of -- of the uncertainty associated  
20    with the UNE-P product.

21          Q     So if -- so in forming your  
22    recommendations, is it your opinion that if the UNE-P

1 product as it currently exists under 13801 is  
2 eliminated, that that would change carriers' --  
3 competitive carriers' ability to offer service at  
4 competitive rates?

5 A It -- I have no idea how it would change.  
6 It's possible, given other -- other possibilities for  
7 the carriers that it might not affect the carriers'  
8 business plan at all. In some case, it might. I  
9 don't know how it would change. It would be  
10 different if the Court, you know, retained it and --  
11 and altered certain terms the Commission prescribed  
12 or something like that.

13 So I have no idea, you know, what --  
14 what could come up in the Court case; but my analysis  
15 is based on the assumption that the Commission got it  
16 right for the time being, that the carriers have  
17 access to that product and know that there is some  
18 uncertainty as in numerous things in the  
19 communication industry regarding the product.

20 Q But you don't feel competent to make a  
21 prediction as to what would happen if the UNE-P 13801  
22 product were gone?

1           A     I don't feel, sitting here, that I could  
2     predict what each and every CLEC would respond -- how  
3     they would respond. First, you would have to  
4     determine what the Court -- I would have to predict  
5     with the Court as to what we need to do, what  
6     subsequent options the carriers would be left with,  
7     what business decisions they would make and I do not  
8     feel comfortable making that prediction.

9           Q     Now, are you involved in the development of  
10    the -- of Commission's annual report on  
11    telecommunications markets?

12          A     Yes, I am.

13          Q     And that report is attached to -- that --  
14    that report is part of the record in this case;  
15    correct?

16          A     Which particular version are you referring  
17    to?

18          Q     The 2000 -- the --

19               MR. HARVEY: 2004, I believe.

20       BY MS. SATTER:

21          Q     It's attached to Mr. Wardin's testimony. I  
22    believe it's --

1           A     I believe that's correct.

2           Q     -- 7 or 8.

3                     And does that report count a number of  
4     lines defined as voice-grade equivalents?

5           MR. HARVEY:   If you could, perhaps, refine the  
6     question.   Does that -- does that request information  
7     statewide or by MSA or does --

8           MS. SATTER:   That wasn't my question.

9     BY MS. SATTER:

10          Q     My question was simply whether it counted  
11     lines by voice-grade equivalents?

12          A     There's a number of different lines  
13     reported.   There are retail lines.   There are UNE  
14     lines and Broadband lines.   There's wireless lines.  
15     So if you would be a little more specific -- if you  
16     could point me to a particular place that you're  
17     referring to or -- or numbers.

18          Q     For example, on Page 9, Table 1, retailed  
19     POTS lines in Illinois.

20          A     We ask carriers to report voicemail  
21     equivalents; but I cannot verify that they have, in  
22     every case, done so.

1           Q     But that's your request to them?

2           A     That is our request to them, and that's a  
3     matter of public record.  You could go to our Web  
4     site and download it.

5           Q     And a voice-grade equivalent is -- how is a  
6     voice-grade equivalent counted or defined?  How would  
7     you describe that in layman's terms?

8           A     In layman's terms?  It's a general manner.  
9     We actually have a definition that off the top of my  
10    head, I can't recite word for word.

11                     But, generally, if a customer has a  
12    normal, single phone with the ability to make one  
13    call at a time, that would be one voice-grade line.  
14    If they have, for example, you know, a T1-line  
15    running to their -- maybe to household, you know, I  
16    don't think that it's a regular scenario; but if they  
17    did, they might be able to establish, say, 24 lines  
18    on that.  So if you wanted to make 24 simultaneous  
19    calls, it would be 24 voice-grade equivalents.

20           Q     And business customers would ordinarily use  
21    the T1-line as opposed to residential customers; is  
22    that correct?

1           A     My understanding is that in a general  
2     matter, it would be the more likely scenario  
3     although -- yeah, that would be -- that would be the  
4     more likely case, yes.

5           Q     Does the report count services --  
6     residential services provided over the internet? In  
7     other words, voice- -- Voice-over Internet Protocol  
8     lines?

9           A     That is a source of uncertainty as -- and  
10    the Commission, without giving an audit, can't in  
11    every case determine that. There are as -- as you  
12    may or may not know, quite a bit of uncertainty with  
13    regard to the federal treatment of these -- these  
14    type of lines; and carriers may choose to interpret  
15    their requirement to respond to us according to those  
16    federal and/or state obligations they believe they  
17    need to make.

18                        So they may not consider those  
19    telecommunications POTS lines under our definition,  
20    but there is a substantial amount of discretion as  
21    far as what the carriers report, I think. We ask  
22    them to report POTS lines; and some cases, they

1 interpret that as how they interpret it.

2 Q Okay. So you would ask them to report POTS  
3 lines, which is an acronym for Plain Old Telephone  
4 Service?

5 A Correct.

6 Q And it's up to the carrier to decide  
7 whether they interpret a -- a Voice-over Internet  
8 Protocol line as a POTS line?

9 A I would equate that to -- well, I don't  
10 want to -- a data response that we received in the  
11 06-0028 Docket and --

12 MR. HARVEY: Do we need to go in camera?

13 THE WITNESS: I don't think so.

14 I just think that car- -- carriers --  
15 in some cases, the line can look, feel and, you know,  
16 be a POTS line in every sense to the end-user  
17 customer. They may not know what technology has  
18 provided over, and carriers may elect to treat the  
19 line differently for reporting purposes whether it's  
20 provided over a wireline technology or, at some  
21 point, with something that's considered to them to be  
22 a VoIP technology; and we simply do not, in every

1 case, know what they have chosen to do.

2 BY MS. SATTER:

3 Q Is it fair to assume that not -- is it fair  
4 to assume that the report does not include a  
5 significant portion of Voice-over Internet Protocol  
6 lines?

7 A I -- I can't answer because without knowing  
8 specifically what they reported. I could hazardly  
9 guess only that I would say that, you know, most  
10 carriers probably do not report those lines; but  
11 that -- that is a guess based on my conversations  
12 with carriers in the course of reporting and is not,  
13 you know, in any way a statistical analysis or with  
14 margins of error or anything that could be  
15 quantified.

16 Q So you work with the carriers when they  
17 fill out the forms and provide you the information?

18 A I -- I do work with the carriers to try to  
19 get them to comply with our request.

20 Q Okay. Now, I -- I will ask you to turn  
21 your attention to the section of your testimony  
22 talking about the LWC on Page 41 of your direct

1 testimony.

2 A I'm there.

3 Q Okay. Now, do you consider the LWC to be a  
4 substitute for the UNE-P product?

5 A I think -- as I responded to earlier, I  
6 think that would be a decision that would be made by  
7 the carriers based on their own business plans.

8 Q So you --

9 A I believe for some carriers it would. For  
10 some carriers it would not.

11 Q For those carriers for whom it is not a  
12 substitute for the UNE-P, is there any other product  
13 that they would obtain from Illinois Bell Telephone  
14 to replace the UNE-P that you're aware of?

15 A So we're in a hypothetical here --

16 Q Yes.

17 A -- where UNE-P is no longer offered?

18 Q Yes.

19 A There are a number of possibilities. They  
20 could self-provide facilities. They could seek  
21 facilities from a third party. They could use a  
22 resale. They could, perhaps, pursue their 271 rights

1 with the FCC. They could use UNE-L. There -- there  
2 are just a number of possibilities there.

3 Q But if they use -- but they could also use  
4 LWC?

5 A I'm sorry. Maybe you --

6 Q Do you think that the LWC is not a  
7 substitute for UNE-P?

8 A Oh, I -- I believe they have suggested some  
9 carriers are using it.

10 Q Do you believe it's a substitute?

11 A Given the fact that -- given the fact that  
12 carriers are using it, I would say, for some  
13 carriers, it is a substitute given the fact that they  
14 have that available to them and choose to use the LWC  
15 if they have substituted it.

16 Q Have you attempted to assess the effect of  
17 the LWC price on the prices that carriers using LWC  
18 might be able to offer consumers in the future?

19 A I have seen evidence in a case; but I  
20 think, perhaps, that evidence suggested it to be very  
21 difficult to figure out precisely what costs a  
22 particular carrier has given the variety of options

1 available and the fact that many of the costs  
2 incurred are internal to the company and are nowhere  
3 in this proceeding.

4 While I saw -- have seen that  
5 evidence, I have looked at the actual provision and  
6 some of the plans -- present plans offered by those  
7 carriers to see if they were actually providing  
8 service to customers and what they were offering as  
9 far as price.

10 Q So did you assess the effect? I couldn't  
11 tell from your answer.

12 A I would say yes in terms of actual -- I  
13 mean, rather than trying to speculate whether they  
14 could make money or could -- could, perhaps,  
15 potentially provide service, I looked at whether they  
16 were actually providing service; whether more  
17 carriers would be able to profitably provide service,  
18 and for some reason are choosing not to at this  
19 point.

20 I mean, I'm aware of the evidence; but  
21 I just don't have a haphazard guess that it's  
22 possible at this point.

1           Q     Okay.  So your opinions in this case are  
2     based solely on what's happening -- what carriers are  
3     actually doing as of December 30th, 2005?

4           A     Yes, I think that the approach was  
5     chosen -- I selected that approach based on the fact  
6     that, you know, in many prior proceedings, you know,  
7     we didn't have information on what competitors were  
8     actually doing.  So we basically had to make a guess  
9     looking at all available information; you know,  
10    whether it would look profitable to enter the market.

11                     Well, in this particular case, when  
12    we're talking about packaging services, there are a  
13    number of carriers actually offering services; and in  
14    my opinion, that provides stronger evidence of their  
15    ability to serve and than -- than actually trying to  
16    attempt to figure out if it would profitable to  
17    serve.

18           Q     You addressed some particular carriers in  
19    your testimony -- in your direct testimony.  
20    Particularly on Page 74, you -- you refer to Global  
21    Teldata.

22           JUDGE HILLIARD:  Is that confidential?

1 MS. SATTER: No.

2 JUDGE HILLIARD: What page?

3 MR. HARVEY: 74 in the nonrevised version, your  
4 Honor.

5 BY MS. SATTER:

6 Q Now, you -- in laying out this charge,  
7 you -- you footnote that these charges do not include  
8 carrier common line charges, installation, service  
9 order or other nonrecurring charges or taxes,  
10 universal service, nonreportability or other such  
11 ancillary fees and/or charges.

12 Is this charge based on the tariff  
13 number?

14 A That is correct. It provided the site, I  
15 believe, for the tariff.

16 Q Yes. Okay.

17 And did you look at the federal  
18 tariff?

19 A I do not know that there is a federal  
20 tariff for each and every carrier, and I -- the  
21 federal tariffs, as far -- as far as my knowledge,  
22 ILEC tariffs are available on-line. Some -- unless

1 the carrier chooses to put their own federal tariff,  
2 if they have one, on-line. The only way they can get  
3 to understand, for some CLECs, is to actually travel  
4 to the FCC or to the carrier's homesite?

5 Q Did -- did you check to see if Global  
6 Teldata was on-line?

7 A I'm sorry?

8 Q Did you check to see if Global Teldata was  
9 on-line?

10 A I do not recall if I did or not regarding  
11 the federal charges.

12 Q Did you try to determine what the federal  
13 charges were?

14 A In some cases, I was unable to find federal  
15 charges on the carrier's Web sites -- actually on  
16 numerous cases.

17 Q Did you try to determine what other non-tax  
18 charges the carrier assesses?

19 A No, I did not.

20 Q Did you look at the carrier's bill?

21 A No, I did not.

22 Q Would you agree that the carrier's bill

1     would show what charges are assessed to a residential  
2     customer on the \$12.95 plan?

3             A     I -- without seeing the carrier bill, I  
4     can't speak to what would be on the carrier bill.

5             Q     Well, let me show you what I'll mark as  
6     AG Cross Exhibit 17.

7             JUDGE HILLIARD:   17.

8                             (Whereupon, AG Cross Exhibit  
9                             No. 17 was marked for  
10                            identification.)

11    BY MS. SATTER:

12             Q     I handed you a document. Does it -- does  
13     it have a logo, Global Teldata, Inc., on it?

14             A     Yes, it does.

15             Q     And does it appear to be a bill with  
16     current charges on the first page and an account  
17     number, which is blocked off --

18             MR. HARVEY:   I'm going to --

19    BY MS. SATTER:

20             Q     -- erased for privacy purposes?

21             MR. HARVEY:   -- stipulate that it purports to  
22     be a Global Teldata bill.

1 BY MS. SATTER:

2 Q And is the -- on Page 2, do you see an  
3 itemization of charges?

4 MR. HARVEY: There is an itemization of charges  
5 on Page 2. We'll stipulate that this document  
6 purports to be a bill from Global Teldata that  
7 purports to itemize Global Teldata charges.

8 BY MS. SATTER:

9 Q Mr. Zolnierrek, do you know what the access  
10 recovery charge of \$5.80 is?

11 MR. HARVEY: Object. This -- he has not seen  
12 this document. We are agreeing that it purports to  
13 be something. We're -- we're showing him a document.  
14 We're asking him to read things into the record from  
15 the document. He has -- we have not established that  
16 he has ever seen the document. He specifically  
17 stated that he had not looked at a Global Teldata  
18 bill. There is no possible foundation that could be  
19 laid for this document.

20 MS. SATTER: He said that a bill would present  
21 the charges, and I'm asking him to look at the bill.

22 In the alternative, I could just move

1     for the admission of this --

2             JUDGE HILLIARD:   Well --

3             MS. SATTER:   -- exhibit because the attorney

4     for the Staff stipulated that it was --

5             MR. HARVEY:   I stipulated that it purported to

6     be such a thing that -- rather than have him read

7     what the logo said.

8             JUDGE HILLIARD:   Have you ever seen a Global

9     Teldata bill before?

10            THE WITNESS:   No, sir, I have not.

11            JUDGE HILLIARD:   All right.   I think you could

12     inquire as to whether he has the knowledge to these

13     things, but I think you need to phrase your questions

14     in that context.

15            MS. SATTER:   Okay.

16     BY MS. SATTER:

17            Q     Well, my question was -- first of all,

18     Mr. Zolnierек, you relate what you understand Global

19     Teldata's price to be on Page 74 of your testimony;

20     correct?

21            A     Price for what?

22            Q     Well, the prices stated in your testimony.

1           A     I included what those prices were for and  
2     where they were cited in their tariffs.

3           Q     Excuse me?

4           A     I provided prices where they were cited in  
5     their tariff or particular services. I included -- I  
6     think I noted ancillary services, charges --

7           Q     Well, I would like to ask you about  
8     ancillary charges.

9           A     Okay.

10          Q     Do you know what an FCC access charge is?

11          A     That is not terminology I'm familiar with  
12     as far as -- the FCC has some charges for Incumbent  
13     Local Exchange Carriers, and they haven't prescribed  
14     a name for those. The FCC access charge, to my  
15     knowledge, is just something Global Teldata might  
16     have devised themselves.

17          Q     And you didn't look at the tariff so you  
18     don't know whether it's on the federal tariff?

19          A     Well, it may be federally tariffed.

20          Q     But you didn't look -- you didn't look so  
21     you don't know?

22          A     I don't recall if I looked for Global

1     Teldata's tariff on the Web site. I know I did not  
2     obtain it from the FCC.

3             Q     Okay. And this charge that you were just  
4     referring to, Illinois Bell calls it the Federal  
5     Access Charge on their bills. Do you know that? Do  
6     you know that?

7             A     I don't believe they do. Actually, I think  
8     that's wrong.

9             Q     Do you think they -- what do you believe  
10    they call it?

11            A     End-user common line charge or subscriber  
12    line charge, perhaps.

13            THE REPORTER: Can you say that again.

14    BY MS. SATTER:

15            Q     End- --

16            A     End-user common line charge or subscriber  
17    line charge, perhaps.

18            Q     And how much is that charge?

19            A     For SBC?

20            Q     Yes.

21            A     I don't recall off the top of my head.

22            Q     You don't know?

1 JUDGE HILLIARD: I do. You don't have to go  
2 there.

3 BY MS. SATTER:

4 Q And the FCC access charge here is listed as  
5 \$6.43.

6 MR. HARVEY: I'm going to object, I mean, to  
7 the extent that this docket purports to be a bill.  
8 There does look to be some kind of a charge here. We  
9 don't know anything about this bill, and he hasn't --  
10 he doesn't recognize the bill and has never seen it.  
11 So asking him to testify about what it says is -- is  
12 foundationless, and he can't do it.

13 MS. SATTER: Well, I mean --

14 JUDGE HILLIARD: Well, is that end-user common  
15 line charge a bill.

16 THE WITNESS: See, that's the thing. CLECs  
17 aren't required to charge one. So they just put  
18 something on the bill that they basically devise.

19 So if he she wants me to say that, you  
20 know, I'm aware of what the Federal -- what they  
21 filed with the -- with the FCC claim or not. I don't  
22 know if the Feds -- Federal Communication Commission

1 reviewed it, if they accepted it, if it's been  
2 tariffed.

3 BY MS. SATTER:

4 Q So you said that the CLECs are not required  
5 to charge an end-user common line charge like the  
6 incumbents are; is that correct?

7 A Well, I wouldn't say the incumbents are  
8 required to charge it. It's whether they are allowed  
9 to charge it.

10 Q Okay.

11 A And there are -- there are rules and  
12 prescriptions for what the maximum charge that IBT  
13 can charge for the UNE common (phonetic) line charge.  
14 And, to my knowledge, there are no comparable rules  
15 for CLECs.

16 Q So if they -- a CLEC chose to put a charge  
17 on a bill, it would be an additional revenue source  
18 for the CLEC and that the customer would pay it;  
19 correct?

20 A It's an -- an additional federal source of  
21 revenue, yes.

22 Q And so you weren't aware of any additional

1 charge -- any charge additional to the \$12.95, at  
2 least not the amount, but the additional charge --  
3 the \$12.95 that you mentioned in your testimony on  
4 Page 74?

5 A I think I already answered that. I did not  
6 check the federal tariffs to find out which federal  
7 charges.

8 Q And you also didn't call the company to  
9 find out if they might have some on their charges?

10 JUDGE HILLIARD: This is asked and answered.

11 MS. SATTER: Okay. I don't think he answered  
12 whether he contacted --

13 JUDGE HILLIARD: Yeah, he did. He stated  
14 that --

15 MS. SATTER: Oh, okay.

16 BY MS. SATTER:

17 Q And do you have any idea what an access  
18 recovery charge is? Is that a charge that you've  
19 seen before?

20 A No.

21 Q Is that a charge that might have a  
22 counterpart with an incumbent carrier that you're

1     aware of?

2             A     I would -- I would not know what the  
3     equivalent for the incumbent would be.

4             THE REPORTER:   Can you repeat that.

5             THE WITNESS:   I do not know what the equivalent  
6     for an incumbent company would be.

7             MS. SATTER:    I have no further questions about  
8     this document.   I would request that it be admitted.  
9     I think that it does rep- -- it represents at least  
10    the scope of the inquiry that Mr. Zolnierrek could  
11    have made and end it now.   And on that -- on that  
12    basis, it would be an impeachment document.

13            MR. HARVEY:    I -- I object to the admission of  
14    this document.   There is no foundation for it.   There  
15    is no authentication for it of any sort.   It purports  
16    to be a bill.   It purports to be somewhere from the  
17    (773) area code.   That's all it is.   Is -- if there  
18    was some independent authentication of that document,  
19    it might be a different story.

20            JUDGE HILLIARD:   I don't think --

21            MR. HARVEY:    Moreover, he --

22            JUDGE HILLIARD:   You haven't -- you don't have

1     adequate foundation. I'm going to deny the admission  
2     for AG Cross Exhibit 17.

3     BY MS. SATTER:

4             Q     Now, another carrier that you talk about as  
5     a competitive carrier is Trinsic on Page 77; and  
6     we've talked before about whether there were FCC  
7     tariffs on file for these companies.

8             MS. SATTER: And I'd like to ask the judge to  
9     take administrative notice of the Trinsic FCC Tariff,  
10    some pages that I will present.

11            And I would like the court reporter to  
12    mark this as AG Cross Exhibit 18.

13                           (Whereupon, AG Cross Exhibit  
14                           No. 18 was marked for  
15                           identification.)

16    BY MS. SATTER:

17            Q     And is -- did the document that I handed  
18    you contain a cover page that says Trinsic  
19    Communications Tariff FCC, No. 4, original Sheet 1  
20    with the date on the bottom right, January 1st, 2005?

21            A     Well, that's what it says.

22            Q     And the second page is Section 6,

1       miscellaneous access charges?

2               A       That's what it says.

3               Q       And the -- you testified previously that  
4       some CLECs file tariffs with the FCC stating their  
5       federal charges; is that correct?

6               A       That's my understanding that they can or  
7       cannot.

8               Q       Okay. And does this show, on 6.1,  
9       end-users common line charge assessed by Trinsic  
10      Company --

11              A       That's what --

12              Q       -- Trinsic Communications?

13              A       That's what it says.

14              MS. SATTER: I would ask the ALJ to take  
15      administrative notice of this document as a document  
16      in the files of the Federal Commun- -- a document on  
17      file at the Federal Communications Commission setting  
18      up the rates, or at least this particular rate, of  
19      Trinsic Communications, Inc.

20              JUDGE HILLIARD: Do you have a problem with  
21      that, Mr. Harvey?

22              MR. HARVEY: I guess not, your Honor. I mean,

1     if we've got a whole bunch of these -- if we're going  
2     to be handed tariffs all day, can we just do them all  
3     at once?

4             JUDGE HILLIARD:   That would be nice.

5             MS. SATTER:   I wish -- I wish I had a whole  
6     pile, but I don't.   That's it.

7             MR. ANDERSON:   I guess I object to taking  
8     administrative notice of this document.   I believe  
9     that the -- you know, I understand what the Attorney  
10    General is attempting to do to cross this witness.

11                    The Attorney General had an  
12    opportunity to put in rebuttal testimony of this  
13    witness.   The Attorney General could have attached  
14    these tariffs or bills or other documents purporting  
15    to show what is being charged by other carriers --  
16    the testimony that we would have had an opportunity  
17    to respond to or to perform cross-examination of AG's  
18    witness.

19                    This is just a data dump of documents  
20    because the Staff witness is available to do it, but  
21    I don't -- I believe it's prejudicial, and I don't  
22    believe it's timely.   I believe it's intended to put

1 in additional direct testimony exhibits that we will  
2 not have an opportunity to respond to.

3 So I object on that grounds.

4 MS. SATTER: If I may, I think responding to  
5 two selected carriers is not exactly a data dump.

6 So Mr. Zolnierек talks about prices  
7 that are charged to customers. I wanted to explore  
8 that with him, and that's what I have done. I think  
9 it's approp- -- it's appropriate impeachment, and  
10 it's appropriate cross-examination.

11 MR. HARVEY: First of all, it isn't  
12 impeachment. Dr. Zolnierек made it very clear that  
13 there might be other tariffs on file. He indicated  
14 that very clearly in his testimony, and he further  
15 indicated that he didn't review those; or to the  
16 extent that he did, he couldn't make a determination  
17 as to what they said.

18 The fact remains that impeachment is  
19 to demon- -- as I understand impeachment at least,  
20 is -- is demonstrating the material falsity of  
21 something said whereas this doesn't do that; and I  
22 really genuinely object to the notion that he is, in

1 any way, being impeached by this tariff.

2 MS. SATTER: Well, the question is what's  
3 the -- what's the charge the consumers pay? And, you  
4 know, he -- he has identified some of these charges;  
5 and I think it's been very helpful right now.

6 JUDGE HILLIARD: All right. Is this the extent  
7 of your FCC submissions?

8 MS. SATTER: Yes, that's all I have.

9 JUDGE HILLIARD: All right. I don't -- I don't  
10 think it's a data dump. I -- I think that it would  
11 be helpful to me to -- to have information about the  
12 additional charges that a customer might be required  
13 to pay pursuant to the tariff, and I'm going to  
14 overrule the objections.

15 MS. SATTER: Thank you.

16 Can we continue here?

17 JUDGE HILLIARD: As far as I'm concerned, yeah.

18 BY MS. SATTER:

19 Q Dr. Zolnierrek, I have some additional  
20 questions for you. So you're finished consulting  
21 with Counsel?

22 A Yes.

1           Q     On Page 82, you referred to a Verizon  
2     service. And my question to you is, do you know  
3     whether this service is a Voice-over Internet  
4     Protocol service?

5           A     I do not know. It was not identified as  
6     such in the tariff to my knowledge.

7           JUDGE HILLIARD: All right. Before you ask him  
8     another question, I want to make the record clear  
9     that AG Cross Exhibit 18 is admitted.

10                                 (Whereupon, AG Cross Exhibit  
11                                 No. 18 was admitted into  
12                                 evidence.)

13           MS. SATTER: Thank you.

14     BY MS. SATTER:

15           Q     You said it didn't indicate in the tariff  
16     whether it was or was not?

17           A     Not to my recollection.

18           Q     Now Pages 83 to -- I believe it's 88, you  
19     made comparisons between the Illinois Bell enhanced  
20     flat rate package and other packaged services;  
21     correct?

22           A     Yes.

1           Q     And as you made some corrections this  
2 morning, you agreed that the Illinois Bell product  
3 offers two lines; right?

4           A     Right. The Illinois Bell product requires  
5 the customer to buy an ex- -- additional line.

6           Q     Can all --

7           THE REPORTER: I'm sorry. Can you say that  
8 again, please.

9           THE WITNESS: The Illinois Bell product  
10 requires the customer to buy an additional line.

11          JUDGE HILLIARD: You -- you speak very quickly  
12 at times. Try to slow it down so that -- so that she  
13 can take it down and I can hear it.

14          THE WITNESS: Okay. I apologize.

15 BY MS. SATTER:

16          Q     And the services available on the first  
17 line are also available on the second line. Is that  
18 your understanding of the product?

19          A     I would have to go back and review the  
20 tariff. If -- if I recollect, that was a little  
21 unclear to me from the actual tariff pages.

22          Q     And the -- do any of the service packages

1     that you identify on the pages that -- that I  
2     mentioned through 87 contain two lines with full  
3     service on both lines?

4           A     I did not include the prices for an  
5     additional line that could be purchased for those  
6     services.

7           Q     Okay.

8           A     So the prices would not reflect the cost of  
9     an additional line for those carriers.

10          Q     So all of these packages are for one line;  
11     is that correct?

12          A     The -- the competitive packages that I put  
13     in there, yes, that is correct.

14          Q     I'm sorry to go back. But on -- on the  
15     bottom of 48 including the beginning on Page 49, you  
16     talk about third-party resale.

17          A     I'm sorry. Could you refer me to the page  
18     again.

19          Q     Oh, 49. The title is on Page 48.

20                     Do the third-party resale carriers  
21     include Voice-over Internet Protocol carriers?

22          A     I believe I identified here and in a

1 response to the -- your data requests to Staff that I  
2 have no knowledge what platform a carrier would use.  
3 If they reported retail service, they -- they use --  
4 provided from another carrier other than IBT, it  
5 could -- it could be a VoIP platform. It could be  
6 the -- the underlying provider could get service  
7 from AT (phonetic). We just don't know. If the  
8 carrier provides retail service --

9 MR. HARVEY: Slow down.

10 THE WITNESS: If a carrier provides retail  
11 service and reports that they provided using services  
12 provided by another provider, I don't know whether  
13 that other provider would be used.

14 BY MS. SATTER:

15 Q Okay. Thank you for that clarification.

16 MS. SATTER: If I could just have one minute.

17 BY MS. SATTER:

18 Q In considering the future availability of  
19 competitive service, did you consider any of the data  
20 included in the 2004 Annual Report on  
21 Telecommunications Markets presented by the Illinois  
22 Commerce Commission to the General Assembly?

1           A     No.

2           MS. SATTER:   Okay.   Thank you.   I have no  
3 further questions.

4           JUDGE HILLIARD:   Mr. Goldberg, do you have  
5 questions, also?

6           MR. GOLDBERG:   Briefly.

7           JUDGE HILLIARD:   How long do you think your  
8 cross is going to take, Mr. Anderson?

9           MR. ANDERSON:   Mine?   Maybe 15 minutes.

10          JUDGE HILLIARD:   How about you?

11          MR. GOLDBERG:   5 tops.

12          JUDGE HILLIARD:   All right.

13          MR. ANDERSON:   15 is an outside estimate, I  
14 would say.

15          JUDGE HILLIARD:   Okay.   Do you want to  
16 continue?

17          MR. ANDERSON:   That's fine with me.

18          MR. HARVEY:   If at all possible, we would like  
19 to get our guys on the road.   They have to go back to  
20 Springfield.   Before lunch would be better.

21          JUDGE HILLIARD:   All right.   Go ahead.   Whoever  
22 wants to go first, I don't care.

1 MR. ANDERSON: I'll go first.

2 CROSS-EXAMINATION

3 BY

4 MR. ANDERSON:

5 Q Dr. Zolniererek, do you have a copy of the  
6 TRRO amendment that Ms. Satter showed to you earlier?

7 A She took it back.

8 Q She took it back?

9 MS. SATTER: I'll be happy to provide it again.

10 MR. ANDERSON: I would like that.

11 MS. SATTER: I'm very reasonable.

12 MR. ANDERSON: Thank you. If I had known it  
13 might come up, I would have brought it back with me.

14 BY MR. ANDERSON:

15 Q Dr. Zolniererek, you were asked some  
16 questions about the one-dollar increase in the  
17 UNE-Port rate that was mandated by the triennial  
18 review order; correct?

19 A Correct.

20 Q And would you agree that the triennial  
21 review -- remand order provided that that dollar  
22 increase would go into effect on March 11th, 2005?

1           MR. HARVEY: I think he would agree to that,  
2 subject to check.

3           THE WITNESS: I would agree that the rules --  
4 subject to check -- that the rules changed to reflect  
5 that rate as of March 11th, 2005.

6 BY MR. ANDERSON:

7           Q All right. And -- and do you recall that  
8 there was a dispute in Illinois regarding whether or  
9 not that AT&T Illinois could assess that rate on  
10 carriers under interconnection agreements prior to  
11 amending the interconnection agreements to reflect  
12 that additional dollar charge?

13          A Yes.

14          Q And when you -- you mentioned a complaint  
15 case in your case referred -- which you referred to  
16 as the CBON (phonetic) complaint case. Do you recall  
17 that?

18          A Yes.

19          Q I can't recall the docket number, but is  
20 that the -- would that be a case in which that issue  
21 was looked at?

22          A Can you refresh me as to the parties. Was

1     it just CBON or --

2           Q     No, it was CBON, Talk America, XO, McLeod.

3           A     Yes.

4           Q     Do you recall the docket number on that?

5           MR. HARVEY:   0154, 0156 and 0174, if memory  
6     serves, Counsel.

7           MR. ANDERSON:   Thank you.

8     BY MR. ANDERSON:

9           Q     And do you recall that, as a result of that  
10    order, one decision made by the Commission in that  
11    order was that although the dollar increased --  
12    became effective March 11th, 2005, per the triennial  
13    review order, amendments would need to be first made  
14    to the interconnection agreements to memorialize that  
15    rate or conform the agreements to include that rate?

16          A     I do recall that.

17          Q     All right.  And do you recall whether in  
18    the triennial review remand order, Arbitration Docket  
19    05-0442, that in that process, amendments reflecting  
20    the rules adopted by the triennial re- -- remand  
21    order were incorporated into the amendment that was  
22    arbitrated in that docket?

1           A     Yes, I know that --

2           Q     And --

3           A     -- that to be the case.

4           Q     And do you recall whether in the amendments

5     that were -- the amendments that conformed with the

6     results of that arbitration proceeding that there is

7     a provision that makes the dollar increase effective

8     retroactive back to March 11th, 2005, consistent with

9     the rules adopted by the FCC and the triennial review

10    remand order?

11          A     That is not what -- I do not recall, and I

12    would accept it subject to check.

13          Q     Okay. I have it here. If you would

14    like -- to save time, if you'll accept that subject

15    to check, that's fine.

16          A     I'll accept it subject to check.

17          Q     Thank you.

18                    Okay. You were asked some questions

19    regarding an example you provided on Page 74

20    regarding Global Teldata -- Global Teldata Plan 18.

21          A     That's right.

22          Q     And I believe you testified -- and I think

1     it's in your direct testimony, too -- that the rates  
2     you show there do not include carrier common-line  
3     charges, installation, service order or other  
4     nonreferring charges or taxes, universal service,  
5     number portability or other ancillary fees and/or  
6     charges; correct?

7             A     As I noted to Ms. Satter, that is correct.

8             Q     All right. And in this part of your  
9     testimony, you are comparing the Global Teldata plan  
10    to the local saver 30 package that AT&T offers; is  
11    that correct?

12            A     Yes.

13            Q     And in your testimony at an earlier point,  
14    you discussed the rates that are charged for the  
15    local saver pack- -- 30 package; is that correct?

16            A     That is correct, and I also excluded those  
17    ancillary charges, et cetera, when reporting those  
18    rates.

19            Q     So all the rates -- all of the surcharges,  
20    taxes and fees, the same steps of additional charges  
21    were excluded both from the Global Teldata package  
22    and from the comparable package of AT&T Illinois;

1 correct?

2 A That is correct.

3 Q You were asked a question on Page 83

4 referring to the enhanced flat rate packages. On

5 Line 792 --

6 A I'm sorry. What page are you on?

7 Q 83.

8 A Which Line? 1792?

9 Q I'm sorry. 1792.

10 A Okay. Thank you.

11 Q 1792, you say that -- or you refer to the

12 enhanced rate, US LEC 3 and US LEC 6 packages;

13 correct?

14 A Yes.

15 Q And I believe you were asked whether the

16 enhanced rate -- flat rate package includes an

17 additional line; correct?

18 A Yes.

19 Q Two lines?

20 A Yeah. The reason I hesitate here is I

21 believe this is where one of the revisions was made.

22 Q I wrote in "enhanced." That's why.

1           A     Oh, okay.

2           Q     You are referring to the enhanced rate --

3     flat rate package?

4           A     That is correct.  It's just a typo.

5           Q     All right.  And that was the package you

6     were referring to in your answers to Ms. Satter's

7     questions; correct?

8           A     Correct.

9           Q     The US LEC 3 and the US LEC 6 packages do

10    not include a second line; correct?

11          A     There is a different name for the product

12    with the second line.  The two-line US LEC 3 and the

13    two-line US LEC 6.

14          Q     But in terms of the packages to which you

15    are comparing the Comcast LATA-wide calling plan and

16    the other packages discussed on Page 83 through 80 --

17          JUDGE HILLIARD:  8.

18    BY MR. ANDERSON:

19          Q     -- 8, you're comparing those to the

20    US LEC 3 and you US LEC 6 plans that contain one

21    access line; correct?

22          A     That is correct and, perhaps, clarification

1 is in order. I recorded a number of different CLEC  
2 tariffed offerings; and while I categorize them, if  
3 you simply review the products, there are a number of  
4 dif- -- different permutations of these products.

5 So the comparison might be relevant  
6 across different products. So a CLEC product might  
7 be comparable to more than one. And, often, my -- my  
8 opinion is comparable to more than one SBC product.

9 MS. SATTER: If I may, just for clarification,  
10 I thought when you modified your testimony, you took  
11 out the US LEC packages. Is that wrong?

12 THE WITNESS: No, it's not. That is correct.

13 But what I'm clarifying here is that  
14 when I reported these packages, I am not making the  
15 claim that the only package that the customer would  
16 substitute one of these for is the enhanced flat rate  
17 package. The customer might say, I want this  
18 package, I want it better than the enhanced flat  
19 rate, but better than the US LEC 3 or the US LEC 6.

20 So I don't want to make -- I don't  
21 want my testimony to imply that that is the only  
22 comparable package to this next report.

1 BY MR. ANDERSON:

2 Q I guess now I'm confused. I must have  
3 missed a correction.

4 Would you please tell me, again, what  
5 your correction was with Lines 793 -- 1793.

6 A It was to replace the flat rate US LEC 3  
7 and US LEC 6 --

8 Q Oh.

9 A -- with enhanced.

10 Q Oh, I -- I see.

11 MR. HARVEY: So that --

12 BY MR. ANDERSON:

13 Q I misunderstood. I thought you were simply  
14 adding the word "enhanced" before flat rate.

15 MR. HARVEY: The only reference that it would  
16 add the word "enhanced" and delete the -- the words  
17 "US LEC 3" and "US LEC 6." And I suppose it would  
18 also, as the -- the administrative law judge points  
19 out, remove the "s" from "packages."

20 THE WITNESS: Well, it could be more than one  
21 customer who purchased -- purchased them. So two  
22 customers who purchase the same thing, it could be

1 "packages."

2 MR. HARVEY: Aren't markets wonderful?

3 BY MR. ANDERSON:

4 Q Dr. Zolnierrek, would you please refer to  
5 your exchange maps at the end of your testimony.

6 MR. HARVEY: These being attachment JZ 1.0,  
7 your Honor.

8 MR. ANDERSON: Yeah. And I -- it doesn't --  
9 just look at the first one.

10 MR. HARVEY: Keeping in mind, Counsel, that  
11 these are -- are confidential and proprietary.

12 MR. ANDERSON: Right.

13 BY MR. ANDERSON:

14 Q And I'm not -- I guess I just have a -- I  
15 just have a question related in -- in very general  
16 terms. I just want to see whether I can get some  
17 summary of -- of parts of the results of your  
18 analysis.

19 Based on the carriers -- you -- you  
20 looked at 12 carriers; correct -- or 13 carriers?

21 A There were 13 carriers that reported  
22 information that would match to exchanges --

1           Q     Right.

2           A     -- which was comparable to how IBT reported  
3     information.

4           Q     Right.

5           A     There were two carriers that reported by  
6     wire center, which does not map one for one.  So  
7     while I included maps for those carriers to show who  
8     they were according to the wire center, I did not  
9     include those carriers in my exchange local numbers  
10    or the summaries.  So those numbers slightly  
11    understate the total reported to Staff in certain  
12    cases.

13          Q     Okay.  Thank you.

14                   Now, in the Chicago Exchange, of the  
15    carriers that reported to you and show maps here,  
16    which carriers reported that they provide residential  
17    service in the Chicago Exchange?

18          MR. HARVEY:  Of -- now, Counsel, to clarify,  
19    we're talking about the carriers for whom we have  
20    maps?

21          MR. ANDERSON:  Well, any carriers that reported  
22    information and based on Dr. Zolnierrek's statement.

1 BY MR. ANDERSON:

2 Q Any carriers that reported information to  
3 Staff in response to the request for information in  
4 Docket 06-028?

5 A And that's where, off the top of my head,  
6 I'm not going to be able to report for the two  
7 carriers that reported by wire center because that's  
8 where the wire centers might not have precisely  
9 matched the exchanges.

10 I'd have to go back and say, This  
11 carrier reported for a wire center that's entirely  
12 within the Chicago Exchange. Therefore, the  
13 carrier -- they at least provided some service in the  
14 Chicago Exchange; but I have not done that analysis  
15 with respect to those two carriers.

16 Q Okay. And if we need to go in camera, we  
17 can. I'd like you to -- for the carriers that -- for  
18 which you can, determine whether or not they pro- --  
19 or said they provided service in the Chicago  
20 Exchange. Indicate those for the record.

21 THE WITNESS: So are we in camera?

22 JUDGE HILLIARD: Yes.

1           MR. HARVEY:   And this is going to take a  
2   minute.   We've got everybody --

3           MR. HILLIARD:   Mr. Casey, are you privileged to  
4   this agreement?

5           MR. CASEY:   No.

6                               (Whereupon, the following  
7                               proceedings were had in  
8                               camera.)

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